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TORRES, MARCOS L	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/530,081	BALLE ET AL.	
	Examiner	Art Unit	
	Marcos L. Torres	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 July 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *38-83* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *38-83* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *8-27-2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

2. Applicant's amendment filed 7-31-07, with respect to claims 66, 69-70 and 74 has been fully considered and is persuasive. The 112 rejections of claims 66, 69-70 and 74 have been withdrawn.

3. As to applicant argument regarding claims 77-78, that Asai teaches away from the invention because it teaches that the size of the characters on a display should be reduced, and the size of the display area which is used for displaying the character should remain the same; it is noted according the specification of the present application in page 8 and fig. 6a-6c that the "display area" is composed by the alpha numeric characters, thereby minimizing the "display area" is equal to minimizing the characters and Asai discloses modifying the size of the display area using a switch (see par. 0067). Thereby, the current rejection in record stands.

Information Disclosure Statement

4. The information disclosure statement (IDS) filed on 8-27-07 is being considered by the examiner.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 82 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. The term "substantially the same" in claim 82 is a relative term which renders the claim indefinite. The term "substantially the same" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

8. Claims 39, 44-48 and 52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The above claims disclose the limitation of "control content", however since the amendment now introduces first and second control content is not clear if the term "the control content" refer to the first, second or both control content. Appropriate correction is requested.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claim 77-78 are rejected under 35 U.S.C. 102(e) as being anticipated by Asai US 20030011468A1.

As to claim 78, Asai method of controlling a display of a mobile device comprising the steps of: displaying information content in a display area, the information content including characters, over a plurality of lines; and alphanumeric changing, in response to input from a user, the size of a display area displaying information content, in order to change the number of alphanumeric characters in a line of the displayed information content, while displaying the whole of the information content (see fig. 8 and 9; par. 0067). Note for example that the message of fig. 8 can be changed (decreased or increased) using a switch, thereby changing the size of the "display area"(area of the display being used).

Regarding claim 77 is the corresponding device claim of method claim 78. Therefore, claim 77 is rejected for the same reasons as shown above.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. Claims 38-52 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ali US 20030197679A1 in view of Larson WO 02/47365.

As to claim 38, Ali discloses a device (see fig. 5; par. 0053) (see fig. 8b, item 811,813,815,817; par. 0067), comprising: first and second input key associated with a display (see fig. 8a, items 870; par. 0069); a display for displaying information content with a first orientation, first control content, adjacent the first input key, indicating a function of the first input key, and second control content, adjacent the second input key, indicating a function of the second input key (see fig. 8a, 8b, item 740, 820); and a processor, for controlling the display (see par. 0060), arranged to vary the first orientation of the information content to a second orientation, wherein the location of the first and second input key does not vary when the orientation of the information content is varied (see fig. 8b and 8c, par. 0066-0070). Ali does not specifically disclose to

interchange the first control content and the second control content, such that the first control is adjacent the second input key and the second control content is adjacent the first input key, because Ali only shows tilting the device to one side. However, note in the figures above that Ali desires to maintain the order of the input keys, this is most likely because is would be troublesome to the user if he have to learn a new configuration layout to each mode. In an analogous art, Larson discloses a device that the screen can be rotated to either side in landscape mode (90, 180 and 270 degrees; see fig. 6-13). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to rotate the Ali display to either side and maintain the same order of the input keys by inverting the sequence of the control content, thereby providing the user an easy to learn user interface regardless of the position of the device.

As to claim 39, Ali discloses a device further comprising a user input device, Wherein the processor is operable to vary the user-determined orientation of the information content and maintain control content adjacent the input key, in response to input from the user input device (see fig. 8b and 8c, par. 0060-0061, 0066-0070).

As to claim 40, Ali discloses a device wherein the functionality of the user input device is controlled by the processor (see par. 0060).

As to claim 41, Ali discloses a device wherein the processor is arranged to vary the user-determined orientation of the information content between two predetermined orientations (portrait or landscape, see fig. 8b, 8c; par. 0066). Larson disclose four predetermined orientations (see fig. 6-13).

As to claim 42, Ali discloses a mobile device wherein the processor is arranged to vary the user determined orientation of the information content by successive increments of 90 degrees rotation about a first origin in the display (portrait or landscape, see fig. 8b, 8c; par. 0066). Larson discloses a mobile device wherein the processor is arranged to vary the user determined orientation of the information content by successive increments of 90 degrees rotation about a first origin in the display (see fig. 6-13).

As to claim 43, Ali discloses a mobile device wherein the processor is ***operable*** to vary the user-determined orientation of the information content while it is displayed (see par. 0060).

As to claim 44, Ali discloses a device wherein the control content for the input key varies as the function of the input key is varied by the processor (see par. 0068,0060).

As to claim 45, Ali discloses a device wherein the processor, when varying the orientation of the information content maintains the same control content adjacent the input key (see fig. 8b, 8c).

As to claim 46, Ali discloses a device wherein the control content has a fixed orientation with respect to the mobile device (see fig. 8b, 8c).

As to claim 47, Ali discloses a mobile device wherein the processor is ***operable*** to rotate the information content about a first origin and simultaneously rotate the control content about a second different origin, by ninety degrees (see fig. 8b, 8c).

As to claim 48, Ali discloses a mobile device wherein the processor is ***operable*** to simultaneously rotate the information content and the control content, in response to input from the user input device (see par. 0066).

As to claim 49, Ali discloses a device wherein the first origin and the second origin are fixed (see fig. 8b, 8c).

As to claim 50-52, they are the corresponding method claims of device claims 38-39. Therefore, claims 50-52 are rejected for the same reasons as shown above.

As to claim 75, Ali discloses a mobile device wherein the control content is positioned at the second origin (see fig. 8b, 8c).

15. Claims 53-56, 58-59, 61-65, 71-74 and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abkowitz 2001/0041973.

As to claim 53, Abkowitz discloses a device, comprising: a display, having a display area, for displaying information content, wherein the whole of the information content in the display area is displayed by the display (see fig. 1, items 120, 520a); a user input device (see fig. 9, par. 0039-0040, 0048); and processor (see fig. 2, item 250), for controlling the display, arranged to incrementally change the size of the display area while displaying the information content wholly within the incremented display area, in response to inputs from the user input device (see fig. 1; par. 0029, 0034, 0038-0040, 0043-0044,0048). Abkowitz does not specifically disclose successive inputs. However, it obvious that the user can repeat the process until the desired area is shown.

As to claim 54, Abkowitz discloses a device wherein the processor in response to input from the user input changes the display area size from a first one of a predetermined plurality of display area sizes to a second one of the predetermined plurality of display area sizes (note that user can choose one or more of the device in fig. 1 each one having its own display size; see par. 0030, 0048).

As to claim 55, Abkowitz discloses a device wherein the processor in response to input from the user input varies the display area while displaying the information content (note that user can choose one or more of the device in fig. 1 each one having its own display size; see par. 0030, 0048).

As to claim 56, Abkowitz discloses a device comprising a transceiver, wherein the information content originates in another device and is received by the transceiver from the another device (see fig. 2; par. 0032). Abkowitz does not specifically disclose wherein the transceiver is a radio frequency transceiver. However, OFFICIAL NOTICE IS TAKEN THAT using radio frequency transceiver are common and well known. Therefore, it would have been obvious to one of the ordinary skill in the art to use a radio frequency transceiver for the simple purpose of providing wireless communication thereby providing mobility to the user.

As to claim 58, Abkowitz discloses the device wherein the information content is alphanumeric text data (see fig. 4).

As to claim 59, Abkowitz discloses a device wherein the information content is alphanumeric text data (see fig. 6, item 650).

As to claim 76, Abkowitz discloses a device wherein the processor is arranged to incrementally change the display area without varying the orientation of the information content (see figs. 1, 3-6).

Regarding claim 61 is the corresponding method claim of device claim 53. Therefore, claim 61 is rejected for the same reasons as shown above.

As to claim 62, Abkowitz discloses a device, comprising: a display, having a display area, for displaying information content in a display area of a user determined size and orientation, wherein the whole of the information content in the display area is displayed by the display (see fig. 1, items 120, 520a; figs. 3-6); a user input device (see fig. 9, par. 0039-0040, 0048); and processor (see fig. 2, item 250), for controlling the display, arranged to incrementally change the size of the display area while displaying the information content wholly within the incremented display area, in response to inputs from the user input device (see fig. 1; par. 0029, 0034, 0038-0040, 0043-0044,0048). Abkowitz does not specifically disclose successive inputs. However, it obvious that the user can repeat the process until the desired area is shown.

As to claim 63, Abkowitz discloses a device further comprising at least one input key associated with a display; wherein the display is operable to display control content, adjacent the input key, indicating its function (see par. 0042) and wherein the control content remains adjacent the input key when the display area is resized (since the virtual device is going to emulate the respective device, if the next resized device have soft keys, it will remain adjacent to their respective button, see fig. 4; par. 0042).

As to claim 65, Abkowitz discloses a device wherein the processor in response to first input from the user input device changes the display area size from a first one of a predetermined plurality of display area sizes to a second one of the predetermined plurality of display area sizes (see fig. 1; par. 0029, 0034, 0038-0040, 0043-0044,0048).

Regarding claims 71-74, they are corresponding method claims of device claims 62-64 and 70. Therefore, claims 71-74 are rejected for the same reasons as shown above.

16. Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abkowitz as applied to claim 53 above, and further in view of Patwari US 20020087300A1.

As to claim 57, Abkowitz discloses everything as explained above (see claim 53) except for a mobile device wherein the information content originates in the device. In an analogous art, Patwari a mobile device wherein the information content originates in the device (see par 0002). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to also display content originated from the device for the simple purpose of expanding the available content.

17. Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abkowitz in view of Someya US006546231B1.

As to claim 60, Abkowitz discloses everything as explained above (see claim 61) except for a device wherein the user input device is a rotable dial. In an analogous art, Someya discloses a mobile device wherein the user input device is a rotable dial (see

fig. 1, item 9). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add a rotary key for quicker operation of the device.

18. Claims 64 and 69-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski in view of Ali.

As to claim 64, Abkowitz discloses a device wherein the display information has a predetermined and fixed orientation with respect to the display area (see fig. 1; par. 0029, 0034, 0038-0040, 0043-0044,0048). Abkowitz does not specifically disclose that a variation in the display area produces a concomitant variation in the orientation of the information content. In an analogous art, Ali discloses that a variation in the display area produces a concomitant variation in the orientation of the information content (see fig. 8b and 8c, par. 0066-0070). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to maintain the same order of the input keys, thereby providing the user an easy to learn user interface regardless of the position of the device.

As to claim 69, Ali discloses a device wherein the display has a plurality of edges and the control content is fixedly positioned at one edge of the display (see fig. 8b and 8c, par. 0066-0070).

As to claim 70, Ali discloses a device wherein the processor is arranged to rotate the display area about a first axis and simultaneously rotate the control content about a second axis, by ninety degrees in response to a input from the user input device (see fig. 8b and 8c, par. 0066-0070).

19. Claims 66-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abkowitz as applied to claim 62 above, and further in view of Larson.

As to claim 66, Abkowitz does not specifically disclose a device wherein the processor in response to an input from the user input devices changes the orientation of the display area from a first one of a predetermined orientation to a second one of the plurality of orientations. In an analogous art, Larson disclose a device wherein the processor in response to an input from the user input devices changes the orientation of the display area from a first one of a predetermined orientation to a second one of the plurality of orientations (90, 180 and 270 degrees; see fig. 6-13). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to rotate the Ali display to either side and maintain the same order of the input keys by inverting the sequence of the control content, thereby providing the user an easy to learn user interface regardless of the position of the device.

As to claim 67, Larson discloses a device wherein the processor is arranged to vary the user-determined orientation of the display area by successive increments of 90 degrees rotation about a first origin in the display (90, 180 and 270 degrees; see fig. 6-13).

As to claim 68, Abkowitz discloses a device as claimed in claim wherein the processor, arranged to vary the user-determined size of the display area while the information content is displayed therein (see fig. 1; par. 0029, 0034, 0038-0040, 0043-0044,0048). Larson discloses a device as claimed in claim wherein the processor,

arranged to vary the orientation of the display area while the information content is displayed therein (col. 8, lines 15–60).

20. Claims 79 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asai in view of Larson.

As to claim 80, Asai discloses a method of controlling the display of a mobile device comprising the steps of: displaying the information content in a display area, the information content including alphanumeric characters being displayed over a plurality of lines; changing the number of alphanumeric characters that are displayed in each of the lines, in response to input from a user (see fig. 8 and 9; par. 0067). Asai does not specifically disclose changing the orientation of the information content to a second orientation. In an analogous art, Larson discloses changing the orientation of the information content to a second orientation (90, 180 and 270 degrees; see fig. 6-13). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to permit rotate the display to facilitate viewing.

Regarding claim 79 is the corresponding device claim of method claim 80. Therefore, claim 79 is rejected for the same reasons as shown above.

21. Claim 81 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ali in view of Larson as applied to claim 53 above, and further in view of Abkowitz.

As to claim 81, Ali and Larson disclose everything as explained above except for the device wherein the processor is arranged to change the size of the display area, while displaying the whole of the information content, from a first size to a second size, and when the display area is of the second size, a portion of the display is not used to

display the information content. In an analogous art, Abkowitz discloses the device wherein the processor is arranged to change the size of the display area, while displaying the whole of the information content, from a first size to a second size, and when the display area is of the second size, a portion of the display is not used to display the information content (see fig. 1; par. 0029, 0034, 0038-0040, 0043-0044,0048). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to change the size of the display to the respective size of the respective device, thereby permitting to emulate the display of several devices.

22. Claims 82 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asai in view of Abkowitz.

As to claim 82, Asai disclose everything as explained above except for the device wherein when the processor changes the size of the display area, the size of each alphanumeric character remains substantially the same. In an analogous art, Abkowitz discloses the device wherein when the processor changes the size of the display area, the size of each alphanumeric character remains substantially the same (see fig. 1; par. 0029, 0034, 0038-0040, 0043-0044,0048). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to change the size of the display to the respective size of the respective device, thereby permitting to emulate the display of several devices.

As to claim 83, Asai disclose the device wherein the processor is **operable** to reduce the size of the display area displaying information content, in order to reduce the number of alphanumeric characters in a line of the displayed information content, while

displaying the whole of the information content, in response to input from the user input device, and after the size of the display area is reduced by the processor, at least a portion of the display is not used to display the information content (it is noted that the word operable leaves the rest of the limitations optional since the reference only have to chow that the device is capable of doing the limitations; see fig. 8 and 9; par. 0067). In an analogous art, Abkowitz discloses the device wherein the processor is **operable** to reduce the size of the display area displaying information content, in order to reduce the number of alphanumeric characters in a line of the displayed information content, while displaying the whole of the information content, in response to input from the user input device, and after the size of the display area is reduced by the processor, at least a portion of the display is not used to display the information content (see fig. 1; par. 0029, 0034, 0038-0040, 0043-0044,0048).

Conclusion

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this Office Action should be mailed to:

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L. Torres whose telephone number is 571-272-7926. The examiner can normally be reached on 8:00am-6:00 PM alt. Wednesday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcos L Torres
Examiner
Art Unit 2617

mlt

GEORGE ENG
SUPERVISORY PATENT EXAMINER